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SERVICE DATE - APRIL 18, 2003

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-55 (Sub. No. 631X)

CSX Transportation, Inc. – Abandonment Exemption in Summit County, OH

BACKGROUND

In this proceeding, CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of a line of railroad at Akron Junction, in Akron, Summit County, Ohio. The portion of the rail line proposed for abandonment spans about 0.07 of a mile from former Consolidated Rail Corporation (Conrail) Milepost 11.49 to a point 150 feet from the point of a switch at or near former Conrail Milepost 11.56, and is known as the Lumber Lead. A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

According to the railroad, there has been no local traffic on the line for the past two years. The railroad states that the proposed abandonment would “result in the removal of the rail, crossties, and possibly the upper layer of ballast.”

The railroad states the right-of-way varies in width from 30 to 65 feet from the center-line of track. According to the railroad, several sand and gravel pits are located nearby.

ENVIRONMENTAL REVIEW

The railroad submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. The railroad served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

The National Geodetic Survey (NGS) has submitted comments stating that five geodetic station markers have been identified that may be affected by the proposed abandonment, and requests that

NGS receive at least 90 days notification in advance of any activities that will disturb or destroy the markers. We will recommend a condition requiring CSXT to provide NGS with 90 days notice prior to disturbing or destroying any geodetic station markers.

The U.S. Fish and Wildlife Service (FWS) has submitted comments regarding the proposed abandonment. Although FWS states that the proposed abandonment is not likely to adversely impact Federally-listed species or critical habitats, FWS indicates that there are three Federally-listed species in Summit County: the Indiana bat (*Myotis sodalis*), the bald eagle (*Haliaeetus leucocephalus*), and the eastern massasauga rattlesnake (*Sistrurus catenatus catenatus*). FWS recommends certain precautions be taken prior to and during salvage activities to prevent impacts to the Federally-listed species and their habitats.

To avoid impacts to the Indiana bat, FWS recommends that trees exhibiting the characteristics of Indiana bat summer habitat (dead or live trees and snags with peeling or exfoliating bark, split tree trunk and/or branches, or cavities, which may be used as maternity roost areas; live trees that have exfoliating bark) and surrounding trees be saved wherever possible or not cut between April 15 and September 15 without first conducting a survey in coordination with FWS' Endangered Species Coordinator.

To avoid impacts to the bald eagle, FWS recommends that the railroad contact the Ohio Division of Wildlife to determine the location(s) of the eagle nest(s) in the county, and consult with FWS if any nests are located within a half-mile of the area of the proposed abandonment.

To avoid impacts to the eastern massasauga rattlesnake, FWS recommends examining the area of the proposed abandonment to determine whether massasauga habitat is present (holes, crayfish burrows, foraging area, or basking sites). If massasauga habitat is present, FWS states that the railroad should coordinate with FWS and local experts to plan and to conduct a survey of the habitat areas. If the survey results indicate that massasauga will be affected by the abandonment, FWS recommends that salvage should take place during the summer when air and ground temperatures are warm enough for the snakes to move away from salvage activities.

FWS also recommends that salvage activities should minimize water quality impacts and impacts to high quality fish and wildlife habitats, such as forests, streams, and wetlands. FWS recommends that the railroad mulch and revegetate all disturbed areas with native plant species to prevent the invasion of non-native plant species. We will recommend conditions based on FWS' recommendations.

HISTORIC REVIEW

The railroad submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)]. The railroad served the report on the Ohio State Historic Preservation Officer (SHPO) pursuant to 49 CFR 1105.8(c). In its report the railroad stated that "there

are no CSXT-owned structures over 50 years old on this line segment that are eligible for listing in the National Register [of Historic Places].” We have reviewed the report and find that no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected by the proposed abandonment.

Pursuant to the Advisory Council on Historic Preservation’s regulations for implementing the section 106 process of the National Historic Preservation Act at 36 CFR 800.4(d)(1) and 36 CFR 800.8, we have determined that the proposed abandonment will not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 CFR 800.11(d), consists of the railroad’s historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public.

CONDITIONS

We recommend that the following environmental conditions be placed on any decision granting abandonment authority:

1. **CSX Transportation, Inc. shall consult with the National Geodetic Survey (NGS) and provide NGS with 90 days notice prior to disturbing or destroying any geodetic station markers.**
2. **Based on the recommendations of the U.S. Fish and Wildlife Service (FWS):**
 - (a) **If salvage activities will affect trees, CSX Transportation, Inc. shall save trees exhibiting the characteristics of Indiana bat (*Myotis sodalis*) summer habitat (dead or live trees and snags with peeling or exfoliating bark, split tree trunk and/or branches, or cavities, which may be used as maternity roost areas; live trees that have exfoliating bark) and surrounding trees wherever possible or not cut those trees between April 15 and September 15 without first conducting a survey in coordination with FWS’ Endangered Species Coordinator;**
 - (b) **CSX Transportation, Inc. shall contact the Ohio Division of Wildlife prior to salvage to determine the location(s) of the bald eagle (*Haliaeetus leucocephalus*) nest(s) in the county, and consult with FWS if any nests are located within a half-mile of the area of the proposed abandonment;**
 - (c) **CSX Transportation, Inc. shall examine the area of the proposed abandonment prior to salvage to determine whether eastern massasauga (*Sistrurus catenatus catenatus*) habitat is present (holes, crayfish burrows, foraging area, or basking sites), and if massasauga habitat is present, the railroad shall consult with FWS;**

(d) CSX Transportation, Inc. shall take precautions during salvage to minimize water quality impacts and impacts to high quality fish and wildlife habitats, such as forests, streams, and wetlands;

(e) CSX Transportation, Inc. shall mulch and revegetate all areas disturbed during salvage with native plant species to prevent the invasion of non-native plant species.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, and if the recommended conditions are imposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the petition for exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this environmental assessment, you should send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Washington, DC 20423, to the attention of Rini Ghosh, who prepared this environmental assessment. **Please refer to Docket No. AB-55 (Sub-No. 631X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Rini Ghosh, the environmental contact for this case by phone at (202) 565-1539, fax at (202) 565-9000, or e-mail at ghoshr@stb.dot.gov.

Date made available to the public: **April 18, 2003**

Comment due date: May 2, 2003.

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment

